



February 25, 2022

Via ECF

The Honorable Leda Dunn Wettre
United States Magistrate Judge
United States District Court, District of New Jersey
50 Walnut Street, Room MLK 3C
Newark, NJ 07101

**Re: *Ruth Lara, et al. v. Puff Bar, et al.*
 Case No. 2:20-cv-08030-JXN-LDW**

Dear Judge Wettre:

Plaintiffs respectfully request a one (1) month extension of time of the fact discovery in this case (from February 28, 2022 to March 28, 2022). The Court's Amended Scheduling Order sets February 28, 2022 deadline for the completion of fact discovery. (Doc. 79, at 1). Good cause exists to grant this extension of time.

The Parties did not delay the taking of fact discovery. As was discussed at the January 20, 2022 Status Conference, Plaintiffs' received responsive documents to Plaintiffs' discovery requests on January 12, 2022. (*See* Doc. 78). Moreover, the Parties met and conferred and agreed that no depositions need be taken until the Court resolved Plaintiffs' Motion for Leave to File a Third Amended Complaint. (Doc. Nos. 77, 78). However, at the January 20th Status Conference, the Court indicated depositions of Nick Minas, Patrick Beltran, and Puff Bar should proceed.

The undersigned has a complex product liability trial commencing on March 7, 2022 through approximately March 18, 2022—*Shears v. Ethicon, Inc.*, No. 1:20-cv-00264-IMK (N.D. W. Va.). Plaintiffs' counsel initially believed they could meet the deadline by holding a number of depositions on February 24th, February 25th, and February 28th. However, the *Shears* Court moved up the pretrial conference (initially set for March 1, 2022) to February 22, 2022 and held a continuation of the conference on February 25, 2022. The February 22nd pretrial conference was held in person in West Virginia, requiring Plaintiffs' counsel to travel to and from. Prior to the pretrial conference, Plaintiffs were consumed with the following *Shears*-related pretrial filings: 32 motions *in limine* and responses, a joint pretrial order, jury instructions and voir dire, exhibit and witness lists, and deposition designations. In addition, at the conclusion of the February 22nd conference, the *Shears* Court required a number submissions be filed by 5 p.m. on February 24th.

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As a result, Plaintiffs' counsel did not have time to prepare the Plaintiffs to sit for deposition or prepare to take the depositions of numerous corporate witnesses of Puff Bar.

Counsel for Plaintiffs has conferred with counsel for Defendants prior to filing this letter and confirms that counsel for Defendants does not oppose the relief requested herein. Based on the foregoing, Plaintiffs respectfully request a one (1) month extension of time of the fact discovery in this case (from February 28, 2022 to March 28, 2022) given that the *Shears* may not conclude until March 18, 2022.

Respectfully submitted,

/s/ Jeffrey L. Haberman

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